

AMENDED IN SENATE APRIL 10, 2003

AMENDED IN SENATE APRIL 2, 2003

AMENDED IN SENATE MARCH 20, 2003

## SENATE BILL

No. 190

**Introduced by Senator Scott**

February 12, 2003

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An act to amend Sections 12126, 12130, and 12132 of the Penal Code, relating to firearms.

### LEGISLATIVE COUNSEL'S DIGEST

SB 190, as amended, Scott. Firearms: chamber load indicators and magazine disconnect mechanisms.

Existing law defines "unsafe handgun" in regard to pistols based on certain criteria.

This bill would, in addition, commencing January 1, 2005, *for firearms not already approved, as specified*, include within the definition of an unsafe handgun, a center fire semiautomatic pistol that does not have a chamber load indicator that is plainly visible in a contrasting color that clearly indicates to a person who is unfamiliar with the operation of a semiautomatic pistol that a cartridge is in the firing chamber; or *a center-fire or rimfire semiautomatic pistol* that does not have a magazine disconnect mechanism that prevents the pistol from operating to strike the primer of ammunition in the firing chamber when a detachable magazine is not inserted in the pistol *if the pistol has a detachable magazine*. The bill would, in addition, commencing January 1, 2007, include within the definition of an unsafe handgun, a center fire semiautomatic pistol that does not have both of those features.

By expanding the definition of “unsafe handgun,” the manufacture, sale, and other specified transfer of which is a crime, this bill would expand the scope of an existing crime, and thereby impose a state-mandated local program.

Existing law requires handguns to be submitted for testing to determine if they are unsafe handguns, as specified.

This bill would provide that commencing January 1, 2005, no center-fire semiautomatic pistol would be allowed to be submitted for that testing if it did have a chamber load indicator, and no *center-fire or rimfire semiautomatic* pistol that has a detachable magazine would be allowed to be submitted for that testing if the pistol does not have a magazine disconnect mechanism, as specified.

Existing law provides that, subject to exceptions, any person who manufactures, causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends any unsafe handgun is punishable by imprisonment in a county jail not exceeding one year.

This bill would add to existing exceptions to those provisions, the sale, loan, or transfer of any semiautomatic pistol that is to be used solely as a prop during the course of a motion picture, television, or video production by an authorized participant, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12126 of the Penal Code is amended to  
2 read:

3 12126. As used in this chapter, “unsafe handgun” means any  
4 pistol, revolver, or other firearm capable of being concealed upon  
5 the person, as defined in subdivision (a) of Section 12001, for  
6 which any of the following is true:

7 (a) For a revolver:



(1) It does not have a safety device that, either automatically in the case of a double-action firing mechanism, or by manual operation in the case of a single-action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge.

(2) It does not meet the firing requirement for handguns pursuant to Section 12127.

(3) It does not meet the drop safety requirement for handguns pursuant to Section 12128.

(b) For a pistol:

(1) It does not have a positive manually operated safety device, as determined by standards relating to imported guns promulgated by the federal Bureau of Alcohol, Tobacco, and Firearms.

(2) It does not meet the firing requirement for handguns pursuant to Section 12127.

(3) It does not meet the drop safety requirement for handguns pursuant to Section 12128.

(4) Commencing January 1, 2005, for a center fire ~~automatic~~ *semiautomatic* pistol that is not already ~~determined not to be an unsafe handgun~~ *listed on the roster pursuant to Section 12131*, it does not have *either* a chamber load indicator, *or if it has a detachable magazine*, a magazine disconnect mechanism.

(5) Commencing January 1, 2007, for all center fire ~~automatic~~ *semiautomatic* pistols, it does not have both a chamber load indicator and *if it has a detachable magazine*, a magazine disconnect mechanism.

(6) *Commencing January 1, 2005, for all rimfire semiautomatic pistols that are not already listed on the roster pursuant to Section 12131, it does not have a magazine disconnect mechanism, if it has a detachable magazine.*

(7) *Commencing January 1, 2007, for all rimfire semiautomatic pistols that have a detachable magazine, it does not have a magazine disconnect mechanism.*

(c) As used in this section, a “chamber load indicator” means a plainly visible device in a contrasting color that clearly indicates to a person who is unfamiliar with the operation of a semiautomatic pistol that a cartridge is in the firing chamber.

(d) As used in this section, a “magazine disconnect mechanism” means a mechanism that prevents a semiautomatic pistol *that has a detachable magazine* from operating to strike the

1 primer of ammunition in the firing chamber when a detachable  
2 magazine is not inserted in the semiautomatic pistol.

3 (e) As used in this section, a “semiautomatic pistol” means a  
4 pistol, as defined in subdivision (a) of Section 12001, the operating  
5 mode of which uses the energy of the explosive in a fixed cartridge  
6 to extract a fired cartridge and chamber a fresh cartridge with each  
7 single pull of the trigger.

8 ~~SEC. 3.~~

9 SEC. 2. Section 12130 of the Penal Code is amended to read:

10 12130. (a) Any pistol, revolver, or other firearm capable of  
11 being concealed upon the person manufactured in this state,  
12 imported into the state for sale, kept for sale, or offered or exposed  
13 for sale, shall be tested within a reasonable period of time by an  
14 independent laboratory certified pursuant to subdivision (b) to  
15 determine whether that pistol, revolver, or other firearm capable  
16 of being concealed upon the person meets or exceeds the standards  
17 defined in Section 12126.

18 (b) On or before October 1, 2000, the Department of Justice  
19 shall certify laboratories to verify compliance with the standards  
20 defined in Section 12126. The department may charge any  
21 laboratory that is seeking certification to test any pistol, revolver,  
22 or other firearm capable of being concealed upon the person  
23 pursuant to this chapter a fee not exceeding the costs of  
24 certification.

25 (c) The certified testing laboratory shall, at the manufacturer’s  
26 or importer’s expense, test the firearm and submit a copy of the  
27 final test report directly to the Department of Justice along with a  
28 prototype of the weapon to be retained by the department. The  
29 department shall notify the manufacturer or importer of its receipt  
30 of the final test report and the department’s determination as to  
31 whether the firearm tested may be sold in this state.

32 (d) (1) Commencing January 1, 2005, no center fire  
33 semiautomatic pistol may be submitted for testing pursuant to this  
34 chapter if it does not have *either* a “chamber load indicator” ~~that~~  
35 ~~is plainly visible in a contrasting color that clearly indicates to a~~  
36 ~~person who is unfamiliar with the operation of a semiautomatic~~  
37 ~~pistol that a cartridge is in the firing chamber.~~

38 ~~(2) as defined in subdivision (c) of Section 12126, or a magazine~~  
39 ~~disconnect mechanism as defined in subdivision (d) of Section~~  
40 ~~12126 if it has a detachable magazine.~~

(2) Commencing January 1, 2007, no center-fire semiautomatic pistol may be submitted for testing pursuant to this chapter if it does not have both a “chamber load indicator” as defined in subdivision (c) of Section 12126 and a magazine disconnect mechanism as defined in subdivision (d) of Section 12126.

(3) Commencing January 1, 2005, no rimfire semiautomatic pistol may be submitted for testing pursuant to this chapter if it has a detachable magazine, and does not have a magazine disconnect mechanism ~~that prevents the pistol from operating to strike the primer of ammunition in the firing chamber when a detachable magazine is not inserted in the pistol.~~ as defined in subdivision (d) of Section 12126.

~~SEC. 4.~~

SEC. 3. Section 12132 of the Penal Code is amended to read: 12132. This chapter shall not apply to any of the following:

(a) The sale, loan, or transfer of any firearm pursuant to Section 12082 or 12084 in order to comply with subdivision (d) of Section 12072.

(b) The sale, loan, or transfer of any firearm that is exempt from the provisions of subdivision (d) of Section 12072 pursuant to any applicable exemption contained in Section 12078, if the sale, loan, or transfer complies with the requirements of that applicable exemption to subdivision (d) of Section 12072.

(c) The sale, loan, or transfer of any firearm as described in paragraph (3) of subdivision (b) of Section 12125.

(d) The delivery of a pistol, revolver, or other firearm capable of being concealed upon the person to a person licensed pursuant to Section 12071 for the purposes of the service or repair of that firearm.

(e) The return of a pistol, revolver, or other firearm capable of being concealed upon the person by a person licensed pursuant to Section 12071 to its owner where that firearm was initially delivered in the circumstance set forth in subdivision (d).

(f) The return of a pistol, revolver, or other firearm capable of being concealed upon the person by a person licensed pursuant to Section 12071 to its owner where that firearm was initially delivered to that licensee for the purpose of a consignment sale or as collateral for a pawnbroker loan.

(g) The sale, loan, or transfer of any pistol, revolver, or other firearm capable of being concealed upon the person listed as a curio or relic, as defined in Section 178.11 of the Code of Federal Regulations.

(h) (1) The Legislature finds a significant public purpose in exempting pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that are used for Olympic target shooting purposes at the time that the act adding this subdivision is enacted, and that fall within the definition of “unsafe handgun” pursuant to paragraph (3) of subdivision (b) of Section 12126 shall be exempt, as provided in paragraphs (2) and (3).

(2) This chapter shall not apply to any of the following pistols, because they are consistent with the significant public purpose expressed in paragraph (1):

MANUFACTURER	MODEL	CALIBER
ANSCHUTZ	FP	.22LR
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
DRULOV	FP	.22LR
GREEN	ELECTROARM	.22LR
HAMMERLI	100	.22LR
HAMMERLI	101	.22LR
HAMMERLI	102	.22LR
HAMMERLI	162	.22LR
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG
HAMMERLI	FP10	.22LR
HAMMERLI	MP33	.22LR
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
MORINI	CM102E	.22LR
MORINI	22M	.22LR
MORINI	32M	.32 S&W LONG

1	MORINI	CM80	.22LR
2	PARDINI	GP	.22 SHORT
3	PARDINI	GPO	.22 SHORT
4	PARDINI	GP-SCHUMANN	.22 SHORT
5	PARDINI	HP	.32 S&W LONG
6	PARDINI	K22	.22LR
7	PARDINI	MP	.32 S&W LONG
8	PARDINI	PGP75	.22LR
9	PARDINI	SP	.22LR
10	PARDINI	SPE	.22LR
11	SAKO	FINMASTER	.22LR
12	STEYR	FP	.22LR
13	VOSTOK	IZH NO. 1	.22LR
14	VOSTOK	MU55	.22LR
15	VOSTOK	TOZ35	.22LR
16	WALTHER	FP	.22LR
17	WALTHER	GSP	.22LR
18	WALTHER	GSP	.32 S&W LONG
19	WALTHER	OSP	.22 SHORT
20	WALTHER	OSP-2000	.22 SHORT

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22 (3) The department shall create a program that is consistent  
 23 with the purpose stated in paragraph (1) to exempt new models of  
 24 competitive firearms from this chapter. The exempt competitive  
 25 firearms may be based on recommendations by USA Shooting  
 26 consistent with the regulations contained in the USA Shooting  
 27 Official Rules or may be based on the recommendation or rules of  
 28 any other organization that the department deems relevant.

29 (i) The sale, loan, or transfer of any semiautomatic pistol that  
 30 is to be used solely as a prop during the course of a motion picture,  
 31 television, or video production by an authorized participant  
 32 therein in the course of making that production or event or by an  
 33 authorized employee or agent of the entity producing that  
 34 production or event.

35 ~~SEC. 5.~~

36 *SEC. 4.* No reimbursement is required by this act pursuant to  
 37 Section 6 of Article XIII B of the California Constitution because  
 38 the only costs that may be incurred by a local agency or school  
 39 district will be incurred because this act creates a new crime or  
 40 infraction, eliminates a crime or infraction, or changes the penalty



1 for a crime or infraction, within the meaning of Section 17556 of  
2 the Government Code, or changes the definition of a crime within  
3 the meaning of Section 6 of Article XIII B of the California  
4 Constitution.

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